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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,603

04/19/2005

Roy Lyon

620-340

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23117

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07/02/2007

NIXON & VANDERHYE, PC

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ARLINGTON, VA 22203

EXAMINER

LAVINDER, JACK W

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

07/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/510,603

Applicant(s)

LYON, ROY

Examiner

Jack W. Lavinder

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 30 and 32-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30,32-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 30 and 32-34 have been rejected under 35 U.S.C. 102(b) as being anticipated by Perez, 3977050. Perez discloses molding a T-shaped plastic member (26) about one end of a string (27) and a terminal end (25) to the other end of the string to form a one-piece attachment. Perez discloses a limp flexible cord (string, col. 4, lines 20-26) between the T-shaped plastic member and the terminal end. The term "string" is known in the art to define an element made from a plurality of cotton fibers and it has the property of being without resilient tendency to return to an initial position (see Webb, 255480 and Flood, 2131372, 2915177 as evidence of what the art considers to be a "string"). Perez also discloses a common spine (22').
3. Claim 39 has been rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kato, 4636347.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 35-36 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Perez in view of Wada, 6735895. Perez discloses an extension bar (28) for connecting the attachments to the common spine (22') via the terminal end (25). The claims require that the attachments be connected to the common spine with an extension bar extending from the T-shaped member.

Wada discloses connecting the attachment (4) to the spine (15) via a connecting rod (15b, 15c) in order to use a gun-type attaching apparatus to connect the attachment to an article. It would have been obvious to a person having ordinary skill in the art to use either Perez's connection to the spine or Wada's connection, since both perform equally as well as the other in providing a means for loading the attachments into a gun-type attaching apparatus. Furthermore, the specification fails to state any criticality associated with attaching the T-shaped member to the spine as compared to attaching the terminal end to the spine.

6. Claim 37 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Perez in view of Ueno, 6062384. Perez fails to disclose teeth on the common spine. However, Ueno discloses teeth on the common spine (7, 9, figure 3) for to make the spine more flexible, reduces the weight, reduces the amount of raw material used in making the spine and reduces the cost. Therefore, it would have been obvious to a person having ordinary skill in the art to make teeth on Perez's spine.

7. Claims 38-46 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Perez in view of Derringer, 4554711 and Kato, 4636347.

Re claims 38-42, Perez fails to disclose the apparatus for molding the assembly with the common spine. However, Derringer discloses that it is old and well known to use molds to form an assembly with a common spine similar to Perez's assembly. The cord in Derringer is not made from a separate cord material and therefore doesn't show a string or cord being placed in the mold to complete the final assembly. Kato teaches that it is old and well known to use a mold for forming a fastener with a cord (12) placed in the mold, molding plastic parts to and around the cord (figure 6) and then severing the excess string in the appropriate places to form the fastener (figure 8). It would have been obvious to make Perez's assembly using Derringer's and Kato's teachings (methods and apparatuses) in order to mass-produce the assembly in a quick and cost effective manner.

Re claims 43-46, Kato discloses the method steps of molding the plastic parts (11, 14) to the cord (12, 17) and then ejecting the parts from the mold and pulling the string to pull the fastener from between the molds while positioning the string for a further molding operation (col. 3, lines 53-end, col. 4, lines 1-16). The cord is then cut between the fasteners to separate the individual fasteners.

### ***Response to Arguments***

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jack W Lavinder\  
Primary Examiner  
Art Unit 3677

6/13/2007